

# Compliance and Enforcement Strategies

Education is a critical component of any smoke alarm program. Not only must homeowners be educated about smoke alarm types, placement, installation and maintenance, they also must be informed of the Fire Code requirements and the consequences for non-compliance. A well-planned, comprehensive, year-round smoke alarm awareness campaign can reach the vast majority of residents in the community and result in a high rate of voluntary compliance and enhanced safety.

That said, there will always be those who do not comply with the regulation. If there is to be any purpose to the Fire Code requirements, fire departments must be prepared to enforce them. It is important to recognize that the individual circumstances of each case must be taken into consideration. Every situation is different and the fire department is encouraged to exercise discretion and flexibility in their approach.

Compliance and enforcement strategies will differ from one department to another, depending upon the needs and circumstances of the community. What works well in one area may not be as effective in another. Any strategies selected should be passed by the legal advisors for the municipality before implementation.

## Compliance Strategies

### Door-to-Door Smoke Alarm Checks

Many fire departments incorporate some method of door-to-door checks in their smoke alarm programs. The following are the most common strategies currently being used by fire departments in Ontario. Fire departments can consider adopting any or all of these options, modify them to suit their community, or develop strategies of their own.

#### **Provide a Loaner Smoke Alarm**

Fire departments may consider providing loaner smoke alarms to ensure that the home is protected by a least one smoke alarm outside all sleeping areas.

Alternatively, fire departments may want to provide sufficient loaner smoke alarms to bring the home into full compliance with the requirements. A sample waiver is included in the Resources section of *Alarmed for Life!* for this purpose.

The homeowner must be reminded that the fire department is not responsible for providing smoke alarms or batteries and the loaner is an act of good faith on the

understanding that the homeowner will promptly acquire and install their own smoke alarms and batteries as required to meet regulations.

It must be clear to homeowners that loaner smoke alarms or batteries are only a temporary measure until the homeowner has complied with regulations. A follow-up visit by the fire department should be scheduled to verify that smoke alarms and batteries have been properly installed and are working, and to pick-up the loaner smoke alarm. This may seem onerous and time consuming, however it delivers a strong message that compliance is the responsibility of the homeowner.

### **Sell Smoke Alarms or Batteries**

Fire departments may choose to provide smoke alarms or batteries at cost to those homeowners found not to be in compliance with the regulations. This would serve to protect the home and its occupants, as well as reinforce the owner's responsibility to comply with the regulations. By having a cost associated with the smoke alarm and batteries, homeowners will come to understand that the fire department is not assuming the responsibility for the homeowner in complying with the law.

Fire department operating guidelines should address the number of smoke alarms or batteries that the fire department will sell to an individual homeowner.

In cases where the homeowner is responsible to provide additional smoke alarms to meet the regulations, follow-up will be required by the fire department to ensure that they meet their obligations.

### **Smoke Alarm Give-away Programs**

Although the Fire Code has required smoke alarms in homes since 1998, many fire departments are still giving homeowners the impression that they are assuming responsibility for compliance by providing alarms free-of-charge. With the 2005 Fire Code amendment requiring smoke alarms on every storey, this will not only become an expensive practice, but could create a situation where homes are left with inadequate protection for a period of time. If the fire department announces to the community that it will be providing/installing smoke alarms, residents may choose to wait for the free alarms instead of immediately complying with the law. Depending upon the size of the community, it could take a considerable amount of time for the fire department to visit every home with the requisite number of alarms. In the interim, many homes could be left with insufficient or no alarms.

If fire departments choose to provide homeowners with sufficient smoke alarms to fully comply with the regulations, it must be made clear that it is the

homeowner's responsibility to maintain the alarms from that point on. Fire departments should take a zero-tolerance approach when dealing with residential dwelling units that do not comply with the Fire Code if documentation shows that they were previously in compliance. If these alarms are found to be missing or not working at a later date, a stronger enforcement tactic, such as ticketing, may be required to get through to negligent homeowners.

## **Fire Department Emergency Response**

In many instances, fire crews responding to fire calls in residential dwellings can check to ensure the home is in compliance with the Fire Code smoke alarm requirements. Given that a fire has occurred, lives have been put at risk and therefore a warning to the homeowner may not be sufficient if the home is not in compliance with the requirements. Fire departments may choose to take a more direct approach and issue a ticket under Part I of the *Provincial Offences Act (POA)* or lay an information under Part III of the *POA* and pursue a fine higher than that allowed for the ticket.

## **Enforcement Strategies for Homeowners**

If a homeowner fails to install working smoke alarms in accordance with the regulations, a Certificate of Offence can be completed and an Offence Notice issued to the homeowner under Part I of the *POA*\*, for a total payable fine of \$235. Fire departments may choose to issue a ticket whenever a home is found to be non-compliant, or they can use it as a last resort if other strategies fail to produce the desired results. It is important to note that issuing a ticket does not relieve the homeowner of their responsibility to install and maintain working smoke alarms in accordance with the requirements of the Fire Code.

While the fire department is within its rights to issue tickets upon discovery of non-compliance with smoke alarm regulations, this could have a negative impact on their ability to freely gain access to homes within the community. Fire departments should carefully consider and evaluate this issue before choosing this method.

This method of dealing with non-compliance must be accompanied by a strong educational component. Homeowners must be educated on the requirements and their responsibilities to comply with them. The ultimate goal is not prosecution, but compliance with the smoke alarm regulations.

## **Enforcement Strategies for Landlords**

Fire departments should consider adopting a zero-tolerance approach when dealing with landlords who fail to meet their obligations with respect to providing and maintaining smoke alarms in their rental units.

Under a zero-tolerance approach, landlords who are found to be negligent in providing and maintaining smoke alarms for their rental dwelling units as determined through routine inspections or home inspection programs would be automatically ticketed, or charged by laying an information under the *POA*.

Fire departments may opt to proceed directly with charges under Part III of the *POA* by laying an information where there are multiple violations in the same building.

Where it is determined through a fire department response to an actual fire that the landlord has not met his/her obligations, fire departments may choose to proceed directly to laying an information under Part III of the *POA*.

Fire departments may opt to defer charges for landlords who can demonstrate through good record keeping practices that they have been diligent in meeting their obligations as outlined in the OFM technical guideline *OFM-TG-04-1998, Maintenance of Smoke Alarms*.

## **Enforcement Strategies for Tenants**

Tenants in multi-unit rental accommodation who disable smoke alarms are not only putting themselves at risk, but also tenants in neighbouring units. Experience shows that removing batteries or otherwise tampering with smoke alarms is often a common response to nuisance alarms. If this is the case, it's important to educate the occupants about possible solutions to nuisance alarms that do not involve disabling the smoke alarms. See the section on *Nuisance Alarms* in *Alarmed for Life!* for further information.

Tenants who admit to removing batteries or otherwise disabling a smoke alarm can be served with an Offence Notice (ticket) for intentionally disabling the unit.

**\*Only members of a fire department who are designated as an Assistant to the Fire Marshal have authority to issue tickets under Part I of the *Provincial Offences Act*.**